

REMARKS

Claims 1, 2, 14-17, and 24-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Carlsen. Claims 3-11 and 18-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlsen in view of DiIoia. Claims 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlsen in view of Ostergaard et al. Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlsen and DiIoia in view of Ostergaard. Claims 29, 30, 33-35, and 42-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlsen in view of Thomas. Claims 31 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlsen and Thomas in view of Hastings. Claims 36-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlsen and Thomas in view of DiIoia. Finally, claims 45 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlsen and Thomas in view of Ostergaard. These rejections are respectfully traversed for the reasons discussed below.

Independent Claim 1 and Dependent Claims 2-13

Claim 1, as amended, recites that the frame members are detachably connectable together such that they can be connected to each other to form the base structure as an open frame and can be subsequently disassembled by disconnecting the frame members from each other. Claim 1 also specifies that the clamping structure is formed from a plurality of individual clamping members that attach to the frame members.

This combination of features is not taught or suggested by Carlsen, DiIoia, or any of the other prior art of record. Carlsen discloses a print frame A which snaps onto a back piece 8 to secure a glass cover 6 and photograph or other print between the frame A and back piece 8. Ball members 15 attached to frame A permit the frame to be removably secured to the back piece 8 by snapping into spring sockets 14. Claim 1 differs from the Carlsen frame in at least a couple of respects. First, Carlsen's frame A

that snaps onto back piece 8 is not "a plurality of individual clamping members" as recited in claim 1, but rather is a single, rectangular frame. Although Carlsen's frame A might be formed from frame pieces joined together at their ends, there is nothing in that patent that suggests that the frame A is anything other than a single, rigid, integral frame that is sold and used by the consumer as a single piece. To the contrary, the frame A does not contain any ball members 15 on the left and right sides of the frame so there would be nothing to hold these pieces in place if the frame pieces were not already connected together. This is significant because Applicant's construction, on the other hand, permits the frame system to be transported and sold in a disassembled state (such as in a kit) that can be packaged efficiently. Secondly, Carlsen does not disclose a framing system in which frame members can be detachably connected together to form an open frame. Rather, as indicated by the cross-section of Fig. 3, Carlsen discloses a single (one-piece) back piece 8 that, again, cannot be disassembled and therefore does not permit compact packaging in the way that Applicant's framing system does. Thus, Carlsen does not teach, nor does it suggest, either the individual clamping members of claim 1 or the frame members of claim 1 that can assembled and disassembled from each other.

In the Office Action, it is stated that "Carlsen discloses a frame system including four frame members secured together (Fig. 3) and clamping structure A engaging the frame by means of pegs and holes (Fig. 3)." Applicant respectfully disagrees. In Carlsen, frame A (which the Examiner refers to as "clamping structure A") attaches to a unitary (one-piece) back piece 8 that is not made up of four frame members. It is a single piece having a raised portion 9 against which the print and cover glass are placed prior to snapping on frame A. Even if back piece 9 were to be made from multiple pieces joined together, there is no teaching in Carlsen that such a frame can be formed from pieces that can be connected together and subsequently disassembled. Moreover, claim 1 now specifies that the frame members can be connected together to form a base structure as an open frame, and Carlsen clearly teaches only a solid (closed) back piece 8, regardless of how many pieces it is made of.

Accordingly, Applicant respectfully submits that Carlsen does not disclose the invention recited in independent claim 1.

Further, neither DiIoia nor any of the other prior art of record suggest any modification of Carlsen that would render the subject matter of claim 1 obvious. Although DiIoia does disclose separate frame members that can be detachably connected together, the Office Action does not provide any proper teaching, motivation, or suggestion for combining the teachings of DiIoia with that of Carlsen. DiIoia teaches frame members mitered at one end with a tabular projection extending perpendicularly from that one end. The frame members also include a grooved portion size to receive the tabular projection of an adjacent frame member so that the frame members can be miter-cut at any place along their length using an included miter guide with the newly-cut end receiving the tabular projection of an adjacent frame member. The primary advantage advanced by DiIoia of this framing assembly is that it permits the user to make a rectangular frame of any desired dimensions using a plurality of identical frame members that need only be miter-cut to size. This is useful in custom framing where the ultimate frame dimensions are not known at the time of manufacturing of the frame members.

Given this teaching by DiIoia, there is nothing in DiIoia, Carlsen, or any of the other prior art of record that would suggest making Carlsen's frame A from the DiIoia frame members. Rather, in Carlsen, the overall picture frame size is dictated by the dimensions of the single back-piece 8 that includes the socket members 14 so that the primary advantage advanced by DiIoia of being able to construct any different sized (custom) frame would be lost if his frame members would be used, since the required lengths of the individual frame members are already known at the time of manufacturing. This is especially true given that the frame members of DiIoia would need to include the ball members 15 which would have to be at a predetermined position along their length and at a position that is coordinated with the respective positions of the socket members 14 on the back piece.

Furthermore, even if the frame A of Carlsen were to be made using the frame members of DiIolia, the resulting frame would still not include all of the limitations of claim 1, since as discussed above, Carlsen uses a single, solid (closed) back piece 8 whereas claim 1 specifies frame members that form an open frame and that can be disassembled by disconnecting the frame members from each other. Accordingly, claim 1 is not rendered obvious by Carlsen in view of DiIolia. Since claims 2-11 each ultimately depend from claim 1, these claims are allowable as well.

With respect to claims 12 and 13, Ostergaard is directed to a film strip mount. Although this reference (as well as certain others discussed farther below) was cited by Applicant as a part of complying with the duty of disclosure to the Patent Office, this reference nonetheless constitutes non-analogous art since it is not within Applicant's field of endeavor (picture and poster framing) nor is it reasonably pertinent to the particular problem with which Applicant's invention concerns. More specifically, the particular problem with which Applicant was concerned in inventing the subject matter of this application was in providing a relatively rigid poster frame (e.g., 24" x 36") that can be easily assembled and disassembled and that, when disassembled, can be packaged in very little space. On the other hand, Ostergaard's film strip mount is designed to eliminate a problem with prior art film strip holders of dislocation of the film within the holder that results in a white band appearing when light is projected through the window of the film strip holder. Ostergaard solves his film strip dislocation problem by providing a film holder having pins spaced about a window in the holder at locations selected in accordance with the pitch of the film perforations such that the film will be properly located within the holder to avoid the undesirable white band. Ostergaard's solution to the problem he addresses is not reasonably pertinent to the problem addressed by Applicant. Accordingly, Applicant requests that the rejection be withdrawn on this basis. Furthermore, even if it were proper prior art, Ostergaard does not make up for the deficiencies of Carlsen and DiIolia in that it does not teach or suggest frame members that can be connected together into a base structure and then subsequently disassembled, along with individual clamping members that attach to the frame members. Accordingly,

dependent claims 12 and 13 are allowable over the combination of Carlsen, DiIoiia, and Ostergaard.

Independent Claim 14 and Dependent Claims 15-28

Claim 14 recites a framing system that includes a plurality of frame members adapted to be secured together to form a base structure, and a plurality of separate clamping members adapted for independent detachable connection with the base structure. As described above, neither Carlsen nor DiIoiia teach or suggest this combination of features. Again, Carlsen discloses a frame A and a separate, single back piece 8. This does not anticipate the invention of claim 14 since the back piece 8 is not formed of a plurality of frame members, as claimed, and also since Carlsen's frame A is not made from "a plurality of separate clamping members adapted for independent detachable connection with the base structure". Thus, the rejection under 35 U.S.C. § 102(b) is not proper.

Also, as described above in connection with claim 1, there has been no showing of proper motivation to combine the teachings of Carlsen and DiIoiia, nor would it be proper to so combine these references. Regardless, even if Carlsen's frame A were to be made using the construction taught by DiIoiia, it would still likely result in a integral, rigid frame A since that is what is shown by Carlsen and since DiIoiia teaches the benefit of permanently bonding the frame members together once interconnected. Furthermore, it would still include the single back-piece 8 rather than a plurality of frame members as claimed.

The other prior art of record has been reviewed as well and it is respectfully submitted that none of that prior art, either singly or in combination with Carlsen, DiIoiia, or any of the other prior art of record, teaches or suggest the invention recited in claim 14. Accordingly, claim 14 patentability defines over the prior art, as well as claims 14-26 that each ultimately depends therefrom.

With respect to claims 27 and 28, as described above in connection with claims 12 and 13, Ostergaard is non-analogous prior art and the rejection is therefore improper. Furthermore, combining Ostergaard with Carlsen would still not result in the subject matter of these claims since the resulting combination would not include both the frame members and separate clamping members defined in claim 14 from which these claims depend. Accordingly, these claims are also believed to define patentable subject matter.

Independent Claim 29 and Dependent Claims 30-47

Claim 29 recites a kit for making a framed display containing a poster or other sheet material, wherein the kit includes a canister and a poster or other sheet material along with the framing and clamping members as defined in claim 14. More specifically, claim 29 recites that the frame members are adapted to be secured together to form a base structure, and that the separate clamping members are adapted for independent detachable connection with the base structure.

Applicant respectfully submits that the invention defined by claim 29 is allowable over the cited prior art because the rejection is based on non-analogous art and also a proper combination of references would not teach or suggest that being recited in claim 29.

Thomas is non-analogous art because it is in the art of motorist signal distress kits which is not within Applicant's field of endeavor (poster and picture framing), nor is it reasonably pertinent to the problem with which Applicant's invention concerns. As stated in Thomas, the principal object of his invention is to provide an improved signal distress system for motorists which can be securely and readily installed on an external surface of a vehicle. To solve this, Thomas provides a signal distress kit that includes a container, flag, a rod, and a suction cup, wherein the rod has a bent terminal end that attaches to the suction cup and wherein the rod and suction cup can be rotated between a storage position and an operative position for attachment to the vehicle. This distress signal kit is not reasonably pertinent to the particular problem with which Applicant was

concerned in inventing the subject matter of this application, as described above, since it does not help address how one would efficiently package (in very little space) a rigid poster frame.

Furthermore, even if one were to make the combination of Carlsen and Thomas suggested in the Office Action, it would not result in the invention being recited in claim 29. As described above in connection with claim 14, Carlsen does not teach or suggest the combination of frame members and separate, independently detachable clamping members. Nor does Thomas teach these features. Neither DiIorio nor the other prior art of record make up for these deficiencies as described above. Accordingly, claim 29 patentably defines over the prior art of record. Claims 30 and 33-44 each ultimately depend from claim 29 and should be allowed therewith.

With respect to claims 31 and 32, Hastings is also non-analogous art since it relates to artist's paint boxes and the fact that it includes more than one compartment does not make it reasonably pertinent to Applicant's stated problem with which his invention concerns. Nor does it make up for the deficiencies of Carlsen and Thomas, as described above. As to claims 45 and 46, Ostergaard similarly is non-analogous art and, in any event, does not make up for the deficiencies of the primary references. Accordingly, these claims are allowable as well.

Other than those discussed above in connection with some of the independent claims, various other amendments have been made to the claims to improve the form thereof and address other minor issues. No new matter has been introduced.

Claims 47-50 have been added. Claim 47 depends from claim 29 and should be allowed therewith. Independent claim 48 is directed to a kit for framing of posters and the like. It includes a canister that holds a plurality of elongated frame members each having first and second ends that mate with complementary ends of another of the frame members, wherein the frame members can be connected together at the ends to form an open frame. It further includes a sheet material sized to fit within the frame and

including holes located at the periphery of the sheet material, along with a plurality of pegs sized to fit within the holes. The kit also includes a plurality of elongated clamping members, wherein the clamping members can be attached via the pegs to the open frame with the pegs extending through the holes to thereby clamp the sheet material to the frame. The pegs can be part of the frame members, the clamping members, or separate components. None of the prior art of record discloses or suggests this combination of features. Accordingly, claim 48 and dependent claim 49 should be allowed.

New independent claim 50 is directed to a framing system that includes a plurality of elongated frame members each having a pair of ends, some of the ends being mortised and others of the ends having a tenon that fits within one or more of the mortises to thereby form a mortise and tenon joint, wherein the frame members can be connected together at the ends to form an open frame having one of the mortise and tenon joints at each end of each of the frame members. The mortises and the tenons each have a laterally extending through-hole, wherein the through-hole of each tenon aligns with the through-hole of an associated one of the mortises when the frame members are connected together by the joints to form the open frame. The framing system also includes a plurality of clamping members that can be attached to the frame members, wherein at least some of the clamping members include a peg, with the pegs extending into the aligned through holes at each of the joints to thereby prevent each of the tenons from detaching from its associated mortise. None of the prior art of record discloses or suggests this combination of features. Accordingly, claim 50 should be allowed.

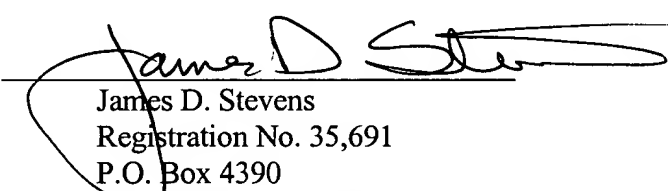
In view of the foregoing, Applicant respectfully submits that all claims are allowable over the prior art. Accordingly, reconsideration is requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

December 30, 2003

Enclosed is a check in the amount of \$597 for payment of additional claims and a three-month extension of time. The Commissioner is hereby authorized to charge any deficiencies or fees or credit any overpayment associated with this communication to Deposit Account No. 50-0852.

Respectfully submitted,

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